

**N THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

CHRIS E. TURNER,)	
)	
Plaintiff,)	
)	CV: 3:07-162-MEF
v.)	
)	
CITY OF AUBURN, a municipality of)	
The State of Alabama; LARRY)	
LANGLEY, an individual; LEE LAMAR)	
an individual; BILL HAM, JR., an)	
individual; STEVE A. REEVES, an)	
individual; DAVID WATKINS, an)	
individual; CHARLES M. DUGGAN,)	
an individual; and CORTEZ)	
LAWRENCE, an individual,)	
)	
Defendants.)	

MOTION TO AMEND UNIFORM SCHEDULING ORDER

CWH Research, Inc., ("CWH") moves this Court to amend the Uniform Scheduling Order pursuant to Rule 16(b) and states that the following facts constitute good cause for the requested relief:

1. This civil action was commenced when Chris Turner filed a Complaint on February 23, 2007. That Complaint named the City of Auburn as well as eight individuals as defendants. The defendants filed an answer to the Complaint on May 7, 2007.

2. The parties filed a Report of Parties' Planning Meeting on June 8, 2007. The Court entered a Uniform Scheduling Order on June 15, 2007.

For reasons that the undersigned does not understand, the Court entered another Uniform Scheduling Order on October 16, 2007. That order sets the case for a pretrial conference on July 1, 2008 (subsequently changed by court order to July 11, 2008), sets the case for trial on August 11, 2008, sets a dispositive motion deadline of April 2, 2008, orders a face-to-face settlement conference on April 23, 2008, sets a deadline to amend of August 29, 2007, establishes a discovery cutoff of June 17, 2008, and requires the identification of trial witnesses for the defendant by May 2, 2008. The Uniform Scheduling Order establishes a number of other deadlines.

3. On January 18, 2008, the City of Auburn filed a motion for leave to file a third-party complaint to the effect that CWH would be added as a party to this litigation.

4. On February 8, 2008, this Court granted the City of Auburn's motion.

5. On February 21, 2008, the undersigned appeared on behalf of CWH.

6. Although the undersigned and CWH are perfectly willing to work diligently during this civil action, they do not reasonably believe that they can comply with the deadlines established by the extant Uniform Scheduling Order.

7. Counsel for all other parties have informed the undersigned that they consent to the relief requested herein.

WHEREFORE, CWH moves the Court to vacate the Uniform Scheduling Order entered on June 15, 2007 and the one entered on October 16, 2007, to order all the parties to hold a new Rule 26 meeting and submit a new Rule 26 report, and to enter a new Uniform Scheduling Order.

/s/ William K. Hancock
William K. Hancock

/s/ Ray A. Carle
Ray A. Carle

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CERTIFICATE OF SERVICE

I hereby certify that on March 3, 2008, I electronically filed same using the Alafile system which will electronically notify all attorneys of record.

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